

DETAILED ACTION

1. Claims 1-6, 8, 9, 11-12, 15 and 16 are all the pending claims for this application.
2. Claim 13 was cancelled, and Claim 1 was amended in the Response of 4/15/11.
3. Withdrawn Claim 15 is joined for examination.
4. Claims 1-6, 8, 9, 11-12, 15 and 16 are all the pending claims under examination.

Information Disclosure Statement

5. The IDS of 12/21/10 has been considered and entered. The initialed and signed 1449 form is attached.

Rejections Withdrawn

Claim Rejections - 35 USC § 103

6. The rejection of Claims 1-6, 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

7. The rejection of Claims 1, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited

in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

8. The rejection of Claims 1 and 11 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (WO200015661; published 3/23/00) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

9. The rejection of Claims 1-6, 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

10. The rejection of Claims 1, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03); cited in the Office Action of 12/4/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

11. The rejection of Claims 1 and 11 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (WO200015661; published 3/23/00; cited in the PTO 892 form of 12/4/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

Claim Rejections - 35 USC § 112, second paragraph

12. The rejection of Claims 1-6, 8, 9, 11, 12 and 16 are indefinite for the recitation "wherein the signal sequence of the overexpressed immunoglobulin constant region is processed;" in Claim 1 is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to delete the offending limitation.

Conclusion

13. Claims 1-6, 8, 9, 11-12, 15 and 16 in condition for allowance.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNN BRISTOL whose telephone number is (571)272-6883. The examiner can normally be reached on 8:00-4:30, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Misook Yu can be reached on 571-272-0839. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lynn A. Bristol/
Primary Examiner, Art Unit 1643